

# SENATE BILL 95

M4

0lr0048

(PRE-FILED)

---

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Requested: October 29, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2010

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Farmland**  
3 **Preservation Partnership Program**

4 FOR the purpose of authorizing the Maryland Agricultural Land Preservation  
5 Foundation to establish a Farmland Preservation Partnership Program to  
6 purchase certain agricultural preservation easements under certain  
7 circumstances; requiring the Foundation to develop certain criteria for  
8 participation in the Partnership Program; altering the date for the submission  
9 of a certain annual report to the Governor and the General Assembly by the  
10 Foundation; and generally relating to the Maryland Agricultural Land  
11 Preservation Foundation.

12 BY repealing and reenacting, with amendments,  
13 Article – Agriculture  
14 Section 2–506  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2009 Supplement)

17 BY adding to  
18 Article – Agriculture  
19 Section 2–517.1  
20 Annotated Code of Maryland  
21 (2007 Replacement Volume and 2009 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Agriculture**

4 2–506.

5 The Foundation on or before [November 1] **JANUARY 15** of each year, shall  
6 transmit to the Governor and, subject to § 2–1246 of the State Government Article, to  
7 the General Assembly a report of the Foundation’s proceedings and activity for the  
8 preceding fiscal year, including an inventory of all easements or other interests in  
9 agricultural land and woodland acquired during that time, and including a report on  
10 the condition of the Maryland Agricultural Land Preservation Fund.

11 **2–517.1.**

12 **(A) (1) (I) THE FOUNDATION MAY ESTABLISH A FARMLAND**  
13 **PRESERVATION PARTNERSHIP PROGRAM THAT IS GOVERNED BY THE**  
14 **REQUIREMENTS OF THIS SECTION.**

15 **(II) THE OBJECTIVE OF THE PARTNERSHIP PROGRAM IS TO**  
16 **PRESERVE PRODUCTIVE AGRICULTURAL AND FORESTED LANDS.**

17 **(2) (I) THE FOUNDATION MAY FORM PARTNERSHIPS FOR THE**  
18 **PURPOSE OF PURCHASING EASEMENTS ON QUALIFYING PROPERTIES.**

19 **(II) THE FOUNDATION’S PARTNERS SHALL COVER THE FULL**  
20 **PURCHASE PRICE, WHICH MAY INCLUDE THE ADMINISTRATIVE COSTS OF ANY**  
21 **EASEMENT FOR WHICH THE FOUNDATION WILL BE THE GRANTEE OR THE**  
22 **CO–GRANTEE.**

23 **(III) THE PROPERTIES THAT QUALIFY FOR THE**  
24 **PARTNERSHIP PROGRAM SHALL MEET THE CRITERIA DEVELOPED BY THE**  
25 **FOUNDATION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

26 **(B) (1) THE FOUNDATION SHALL DEVELOP CRITERIA THAT**  
27 **DETERMINE WHEN A FARM QUALIFIES FOR THE PARTNERSHIP PROGRAM.**

28 **(2) AT A MINIMUM, ANY QUALIFYING FARM SHALL:**

29 **(I) MEET THE FOUNDATION’S SIZE CRITERIA;**

30 **(II) AS DETERMINED BY THE FOUNDATION, CONTAIN**  
31 **SIGNIFICANT PRODUCTIVE AGRICULTURAL SOIL OR FOREST SOIL; AND**

1 (III) BE APPROVED FOR PARTICIPATION IN THE  
2 PARTNERSHIP PROGRAM BY THE GOVERNING BODY OF THE LOCAL  
3 JURISDICTION IN WHICH THE PROPERTY IS LOCATED.

4 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN  
5 EASEMENT ACQUIRED BY THE FOUNDATION IN ACCORDANCE WITH THIS  
6 SECTION IS NOT SUBJECT TO THE RANKING, VALUATION, OR DEVELOPMENT  
7 RESTRICTIONS OF THIS SUBTITLE, EXCEPT AS DETERMINED BY THE  
8 FOUNDATION'S BOARD OF TRUSTEES.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2010.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.